



State of Utah

DEPARTMENT OF COMMERCE
Committee of Consumer Services

Minutes of the Meeting of the Committee of Consumer Services Held
in Room 4A of the Heber M Wells Building, Salt Lake City, on 9 March 2004.

Dee Jay Hammon called the meeting to order at 9:33am in Room 4A.

Members of the Committee in Attendance:

Franz Amussen	Ryan Atkinson	Kelly Casaday
Dee Jay Hammon	Betsy Wolf	

Staff in Attendance:

Roger Ball	Kelly Francone	Dan Gimble
Leah Lindstrom	Eric Orton	Oliwia Smith
Reed Warnick		

Staff in Attendance via phone:

Nancy Kelly

Members of the Public in Attendance:

Klare Bachman	Doug Bennion	Sterling Brown
Paul Morris	John Stewart	Kathy Van Dame
Brice Wallace		

1 Administrative Matters

1.1 Welcome and Apologies for Absence

Dee Jay Hammon extended the apologies of Kent Bateman and Cheryl Murray, who were attending other meetings. Kelly Casaday was also at another meeting, but would join the Committee later in the meeting.

1.2 Minutes of Previous Meetings

Ryan Atkinson proposed that the minutes of 13 January 2004 meeting be approved. Franz

Amussen seconded the proposal, which passed unanimously with Kelly Casaday absent for the vote.

1.3 Dates and Locations of Next Meetings

The Committee agreed that its next meeting would be held on Wednesday, 14 April, in Room 205 of the Heber M Wells Building. The following meeting was scheduled to be held on Tuesday, 1 June, in Room 4A. Both meetings would commence at 9:30am until 2:30pm.

2 Gas

2.1 1999 Test Year Rate Case – the CO₂ Issue Petition to the Supreme Court for Extraordinary Relief

Reed Warnick reported that the Supreme Court will consider the Committee's Petition on 22 March.

3 Electric

3.1 2003 Test Year Rate Case

Dan Gimble gave an overview of the Commission's order, which approved the Cost of Service stipulation that settled the Rate Spread and Rate Design issues.

3.2 Currant Creek Power Project

Both Dee Jay and Dan updated the Committee on the Currant Creek hearings and the Commission's order.

3.2.1 Consideration of a New Contract

Ryan Atkinson proposed that:

the Committee of Consumer Services approve the allocation of an additional \$72,095 - for a total of \$120,245- to the IRP contract with Hayet Power Consulting, and extend the termination date to 30 June 2005.

Betsy Wolf seconded the proposal, which passed unanimously with Kelly Casaday absent for the vote.

3.3 Multi-State Process

Nancy Kelly gave an overview of the Multi-State Process and outlined the next steps.

3.4 26 December 2003 Outages

Doug Bennion and John Stewart from PacifiCorp updated the Committee on the status of the 26 December 2003 Power Outage investigation.

4 2004 Legislative General Session

Kelly Francone reviewed what had happened to the bills that were of interest to the Committee during the 2004 Legislative General Session.

5 Telecom

5.1 Pricing Flexibility

Oliwia Smith outlined the current status of the Reconsideration Order in the Pricing Flexibility case.

5.2 Triennial Review Order

Oliwia said that, on 2 March, the District of Columbia Circuit Court issued a decision, ruling that the FCC's delegation of authority to state commissions was illegal. The Court vacated most of the FCC's Triennial Review Order provisions.

5.3 Land Development Tariff

Oliwia gave an overview of the Land Development Tariff, which outlines the procedure for placement of telecommunications distribution facilities in new sub-divisions.

5.4 Eagle Mountain/Cedar Valley

Oliwia explained that Direct Communications, an Idaho rural ILEC, proposed to purchase the Eagle Mountain municipal telephone utility and re-name it Cedar Valley.

5.5 UTOPIA

Paul Morris, the Chief Executive Officer, gave a presentation on the optical fiber infrastructure that UTOPIA proposes to construct in several Utah cities.

6 Closed Meeting – To Discuss Pending or Reasonably Imminent Litigation

Franz Amussen proposed that the Committee go into closed session to discuss pending or reasonably imminent litigation. Ryan Atkinson seconded the proposal, and it passed unanimously.

Kelly Casaday proposed that the Committee return to open session. Ryan Atkinson seconded the proposal, and it passed unanimously with Franz Amussen absent for the vote.

7 Motions on Matters Discussed in Closed Meeting

The Committee took no action on matters discussed in the closed meeting

8 The Committee: Its Function and its Future

8.1 Legislative Appropriations

Klare Bachman, Executive Director of the Department of Commerce gave an overview of the Bill of Bills and the line items that have an effect on the Committee.

Franz Amussen proposed that:

the Chairman of the Committee write a letter to the Governor requesting that the line items in House Bill 3, Supplemental Appropriations Act II, be vetoed.

Ryan Atkinson seconded the motion, and it passed unanimously.

8.2 Space Issues

Klare discussed several space options that the Committee might consider on the second floor of the Heber M Wells Building.

9 Other Business

Kelly Casaday proposed that the Committee adjourn, and the meeting ended at 2:30pm.